

REMARKS/ARGUMENTS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks/arguments. All of the prior pending claims 1-64 are hereby canceled. By the present Amendment, new claims 65-82 are added and are now pending in the present application. No new matter has been added.

I. OBJECTIONS

The Examiner has first objected to the drawings for allegedly introducing new matter into the application. Specifically, the Examiner alleges that Figures 13A and 14-17 (and presumably Figure 21) disclose fasteners believed to be different than the fasteners illustrated in the originally filed drawings. Although the Applicants do not necessarily agree with the Examiner's allegations, particularly in view of the prior two years of substantive examination of these drawings and the numerous amendments required by the Examiner on them, to advance the prosecution of the present application the Applicants are submitting yet further revised Figures 13A, 14A, 15, 15A-D, 16, 17 and 21. In addition, the Applicants amend the drawings as described herein without prejudice or disclaimer so as to preserve a claim for an adjustment of the patent term of any patent issuing from the present application.

The Examiner has objected to Figures 15, 15A-D, 16 and 21 (and presumably Figure 17) for allegedly failing to show "the ridges projecting out of the exterior surface of a sphere." The Examiner alleges that these figures "show the ridges being internal of the exterior surface of the sphere." Although the Applicants believe this objection to be in error, to advance the prosecution of the present application the Applicants are submitting revised Figures 15, 15A-D,

16, 17 and 21, having ridges illustrated as desired by the Examiner. In addition, the Examiner has objected to Figures 13A and 14A for having straight ridges, rather than triangular. Revised Figures 13A and 14A now illustrate triangular ridges consistent with the original drawings filed in the present application.

A summary of the amendments made to the drawings is:

1. Figures 13A and 14A on Replacement Sheet 5/10 have been amended to include triangular ridges.
2. Figures 15-17 on Replacement Sheet 6/10 have been amended to include triangular ridges.
3. Figures 15A-15D on Replacement Sheet 9/10, and Figure 21 on Replacement Sheet 10/10, have been amended to include triangular ridges.
4. Figures 15A-15D on Replacement Sheet 6/10, and Figure 21 on Replacement Sheet 10/10, have been amended to have the ridges protrude beyond one of the exterior surfaces of the fasteners.

The Examiner has also rejected to paragraph [0058] of the specification for having an incorrect figure number. In response, this paragraph has been amended to correct this typographical error.

The Examiners has also objected to claim 52 for having “plastics” instead of “plastic.” While the term “plastics” is appropriate since it refers to a plurality of materials comprised of some form of plastic, claim 52 has been canceled, thus rendering this objection moot.

II. REJECTIONS UNDER 35 U.S.C §112

The Examiner has rejected claims 1, 8, 11, 13 and 49-64 under 35 U.S.C. §112, first

paragraph, for allegedly reciting new matter. While the Applicants do not necessarily agree with the Examiner's beliefs, all of these claims have been canceled and new claims 65-82 have been submitted, thus rendering this rejection moot.

The Examiner has also rejected claims 7, 8 and 13 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. While the Applicants do not necessarily agree with the Examiner's beliefs, all of these claims have been canceled and new claims 65-82 have been submitted, thus rendering this rejection moot.

III. REJECTIONS UNDER 35 U.S.C §102

The Examiner has rejected claims 1, 7, 8, 13, 49 and 54 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,392,582 to Abukawa. These claims have been canceled and new claims 65-82 have been submitted, thus rendering this rejection moot. In addition, Abukawa does not disclose, among others things, the following limitations of the new claims: (a) "a first hemispheroidal portion" and "a second hemispheroidal portion opposed to the first hemispheroidal portion, the first and second hemispheroidal portions defining a plane of symmetry at their plane of opposition," (b) "mating surfaces" defining "a mating plane that is parallel to the plane of symmetry whereby the mating planes of the respective first and second hemispheroidal portions are opposite from each other across the plane of symmetry, (c) "ridges extending outwardly from the respective hemispheroidal portion between the mating surfaces and the plane of symmetry," or (d) an "aperture having a first countersink defined within an opening in the first mating surface and a second countersink defined within an opening in the second mating surface." All of these elements are recited in new independent claim 65, and not

disclosed by Abukawa. Accordingly, Abukawa does not anticipate new independent claim 65 or the claims dependent thereon.

IV. REJECTIONS UNDER 35 U.S.C §103

The Examiner has rejected claims 1, 8, 11, 13, 50-60 and 62-64 under 35 U.S.C. §103(a) as allegedly obvious and thus unpatentable over U.S. Patent 6,932,329 to Harder in view of U.S. Patent 5,308,205 to Lautenschlager. These claims have been canceled and new claims 65-82 have been submitted, thus rendering this rejection moot. In addition, the combination of Harder and Lautenschlager does not teach or suggest, among others things, the following limitations of the new claims: (a) “a first hemispheroidal portion” and “a second hemispheroidal portion opposed to the first hemispheroidal portion, the first and second hemispheroidal portions defining a plane of symmetry at their plane of opposition,” (b) “mating surfaces” defining “a mating plane that is parallel to the plane of symmetry whereby the mating planes of the respective first and second hemispheroidal portions are opposite from each other across the plane of symmetry, (c) “ridges extending outwardly from the respective hemispheroidal portion between the mating surfaces and the plane of symmetry,” or (d) an “aperture having a first countersink defined within an opening in the first mating surface and a second countersink defined within an opening in the second mating surface.” Accordingly, the combination of Harder and Lautenschlager does not render obvious new independent claim 65 or the claims dependent thereon.

The Examiner has rejected claims 1, 7, 8, 11, 13, 50-52, 56-60 and 63 under 35 U.S.C. §103(a) as allegedly obvious and thus unpatentable over U.S. Patent 3,539,234 to Rapata in view of U.S. Patent 5,308,205 to Lautenschlager. These claims have been canceled and new claims

65-82 have been submitted, thus rendering this rejection moot. Also, Rapata discloses a bushing for use in a workpiece to permit rotational and angular movement of shaft inserted into the bushing (Abstract), and thus is non-analogous art with respect to the plug fastener of the present claims. In addition, the combination of Rapata and Lautenschlager does not teach or suggest, among others things, a plug fastener including the following limitations of the new claims: (a) “a first hemispheroidal portion” and “a second hemispheroidal portion opposed to the first hemispheroidal portion, the first and second hemispheroidal portions defining a plane of symmetry at their plane of opposition,” or (b) an “aperture having a first countersink defined within an opening in the first mating surface and a second countersink defined within an opening in the second mating surface,” as recited in new independent claim 65. Accordingly, the combination of Rapata and Lautenschlager is not only improper as presenting non-analogous art, it also does not render obvious new independent claim 65 or the claims dependent thereon.

The Examiner has next rejected claims 1, 7, 8, 11, 13, 49 and 50 under 35 U.S.C. §103(a) as allegedly obvious and thus unpatentable over U.S. Patent 3,438,659 to Waldron in view of U.S. Patent 5,308,205 to Lautenschlager. These claims have been canceled and new claims 65-82 have been submitted, thus rendering this rejection moot. In addition, the combination of Waldron and Lautenschlager does not teach or suggest, among others things, the following limitations of the new claims: (a) “a first hemispheroidal portion” and “a second hemispheroidal portion opposed to the first hemispheroidal portion, the first and second hemispheroidal portions defining a plane of symmetry at their plane of opposition,” (b) “mating surfaces” defining “a mating plane that is parallel to the plane of symmetry whereby the mating planes of the respective first and second hemispheroidal portions are opposite from each other across the plane

of symmetry, (c) "ridges extending outwardly from the respective hemispheroidal portion between the mating surfaces and the plane of symmetry," or (d) an "aperture having a first countersink defined within an opening in the first mating surface and a second countersink defined within an opening in the second mating surface." All of these elements are recited in new independent claim 65. Accordingly, the combination of Waldron and Lautenschlager does not render obvious new independent claim 65 or its dependent claims.

V. CONCLUSION

The Applicants respectfully submit that pending claims 65-82 are in condition for allowance, and request a Notice of Allowability for the pending claims. The Examiner is invited to contact the undersigned Attorney of Record if such would expedite the prosecution of the present application. The Applicants note that the three-month deadline for filing a response to the pending Office Action is April 16, 2007; thus, this Amendment is timely and no few is required. If it is determined that any fees are due, please charge Deposit Account No. 13-0480, referencing the Attorney Docket Number specified herein.

Respectfully submitted,

/James H. Ortega/

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James H. Ortega, Reg. No. 50,554
BAKER & MCKENZIE LLP
2001 Ross Avenue, Suite 2300
Dallas, TX 75201
Tel: (214) 978-3058
Fax: (214) 978-3099